

1 GREGORY M. FOX, State Bar No. 070876  
2 ARLENE C. HELFRICH, State Bar No. 096461  
3 BERTRAND, FOX & ELLIOT  
The Waterfront Building  
3 2749 Hyde Street  
4 San Francisco, CA 94109  
Telephone: 415.353.0999  
Facsimile: 415.353.0990

5 TERESA HIGHSMITH, State Bar No. 155262  
6 CITY ATTORNEY, CITY OF ALAMEDA  
City Hall  
7 2263 Santa Clara Avenue, Room 280  
Alameda, CA 94501  
8 Telephone: 510.748.4544  
Facsimile: 510.748.4691

9 Attorneys for Defendants  
10 CITY OF ALAMEDA, GREGORY McFANN  
and GREGORY FUZ

11 LAURENCE F. PADWAY, State Bar No. 89314  
12 Law Offices of Laurence F. Padway  
1516 Oak Street, Suite 109  
13 Alameda, CA 94501  
Telephone: 510.814.0680  
14 Facsimile: 510.814.0650

15 Attorney for Plaintiffs  
16 RITA MOHLEN and RICHARD SKRINDE

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 RITA MOHLEN and RICHARD SKRINDE, ) Case No. C 03 3162 CW  
20 Plaintiff, )  
21 vs. ) **STIPULATION AND ORDER TO  
CONTINUE HEARING AND BRIEFING  
SCHEDULE RE: MOTION FOR  
SUMMARY ADJUDICATION**  
22 CITY OF ALAMEDA, GREGORY McFANN, )  
and GREGORY FUZ )  
25 Defendants. )

---

27 At the Case Management Conference on December 9, 2005 the parties agreed and the court  
28

1 ordered plaintiffs to file their motion for partial summary judgment on the validity of the building  
2 codes of the City of Alameda for hearing on May 12, 2006.

3 The parties have been working diligently to prepare and exchange the foundational records for  
4 that motion. However, the quantity of old codes and ordinances is huge, exceeding 60,000 pages.  
5 The parties are still in the process of assembling and copying these documents, and estimate that this  
6 process will be completed at the end of August, 2006.

7 The hearing on the motion (and a further status conference) has previously been continued to  
8 September 22, 2006. The parties stipulate and request an order amending the briefing schedule and  
9 status conference as follows:

10 Moving Papers due: September 15, 2006

11 Opposition due: October 13, 2006

12 Reply due: October 27, 2006

13 Hearing: November 17, 2006

14 Status Conference: November 17, 2006

16 So stipulated.

18 Dated: August \_\_\_, 2006

---

19 Laurence F. Padway  
20 Attorney for Plaintiffs RITZ MOHLEN  
21 and RICHARD SKRINDE

21 Dated: August \_\_\_, 2006

22 BERTRAND, FOX & ELLIOT

23 By: \_\_\_\_\_  
24 Gregory M. Fox  
25 Attorney for Defendants  
26 CITY OF ALAMEDA, GREGORY McFANN  
27 And GREGORY FUZ

27 *I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
28 "conformed" signature (/s/) within this E-filed document.*

1 Dated: August \_\_\_\_ , 2006

2 By: \_\_\_\_\_ /s/  
3 Gregory M. Fox  
Bertrand, Fox & Elliot

4 **ORDER**

5 Good cause appearing the Stipulation is So Ordered.

6  
7 Dated: 9/5 \_\_\_\_\_, 2006

8 /s/ CLAUDIA WILKEN

9 Honorable Claudia Wilken  
10 United States District Court Judge